

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

400Q0179

## HOUSE BILL NO. 1015

Introduced by: The Committee on Judiciary at the request of the Department of Corrections

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding inmate appeal of  
2 prison disciplinary actions.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 24-15A-5 be amended to read as follows:

5 24-15A-5. The warden shall keep a true record of the conduct of each inmate specifying in  
6 the record each infraction of the rules of discipline. Each inmate shall be notified of every entry  
7 on the inmate's record of each such infraction of the rules of discipline. The inmate shall have  
8 thirty days to challenge, by notifying the warden, the validity of the ~~entry of~~ finding that the  
9 inmate committed the rule infraction or the disciplinary sanction imposed ~~by notifying the~~  
10 ~~warden.~~ After investigation, the warden may ~~remove the entry or~~ determine that the inmate did  
11 not commit the rule infraction and revise the record accordingly. The warden may also modify  
12 the imposed disciplinary sanction or rule infraction. The record shall be used by the warden and  
13 board in determining the inmate's compliance with the inmate's individual program directive at  
14 the time of the inmate's initial parole date. This record may also be used by the board in the  
15 determination of discretionary parole releases.



1       Section 2. That § 24-2-17 be amended to read as follows:

2       24-2-17. The warden ~~of the penitentiary~~ shall keep a true record of the conduct of each  
3 inmate and shall specify each infraction of the rules of discipline. Each inmate shall be notified  
4 of every entry on the inmate's record of each such infraction of the rules of discipline and shall  
5 have thirty days to challenge the validity of the ~~entry~~ finding that the inmate committed the rule  
6 infraction or the disciplinary sanction imposed by notifying the warden ~~to that effect~~. After  
7 investigation, the warden may ~~remove the entry or~~ determine that the inmate did not commit the  
8 rule infraction and revise the record accordingly. The warden may also modify the imposed  
9 disciplinary sanction or rule infraction. ~~Such~~ The record shall be used whenever the question  
10 of any inmate's eligibility for parole or discharge arises pursuant to § 24-5-1.